In the Supreme Court of the United States

OCTOBER TERM, 1974

No. 74-209

GILA RIVER PIMA-MARICOPA INDIAN COMMUNITY, ET AL., PETITIONERS

v.

UNITED STATES OF AMERICA

ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF CLAIMS

MEMORANDUM FOR THE UNITED STATES IN OPPOSITION

We invite the Court's attention to the following facts which demonstrate that the petition for a writ of certiorari was filed out of time. The judgment of the Court of Claims was entered on April 17, 1974. On July 15, 1974, Mr. Chief Justice Burger, on motion of the United States, extended the time within which the United States could petition for a writ of certiorari to and including August 30, 1974. The United States did not file a petition for a writ of certiorari. The present petitioners, Gila River Pima-Maricopa Indian Community, *et al.*, did not seek or receive an extension of time, and accordingly the 90-day period provided by 28 U.S.C. 2101(c) for petitioning expired on July 16, 1974. The present petition was not filed until August 30, 1974, and is therefore untimely.

Since the time limit specified by 28 U.S.C. 2101(c) is jurisdictional, the petition should be denied.

Respectfully submitted.

ROBERT H. BORK,
Solicitor General.

OCTOBER 1974.